

REPORT OF THE COMMITTEE ON EXECUTIVE MATTERS AND LEGAL AFFAIRS

Voting Members

Ron Menor, Chair; Carol Fukunaga, Vice-Chair,
Ikaika Anderson, Stanley Chang, Breene Harimoto, Ann H. Kobayashi,
Joey Manahan, Ernest Y. Martin, Kymberly Marcos Pine

Committee Meeting Held
April 22, 2014

Honorable Ernest Y. Martin
Chair, City Council
City and County of Honolulu

Mr. Chair:

Your Committee on Executive Matters and Legal Affairs, to which was referred Resolution 14-65 entitled:

"RESOLUTION RELATING TO THE REPEAL OF CERTAIN POLICY
RESOLUTIONS OF THE CITY AND COUNTY OF HONOLULU,"

introduced on March 27, 2014, reports as follows:

The purpose of this Resolution is to repeal certain Policy Resolutions of the City and County of Honolulu.

Mr. Jim Williston, Office of Council Services, provided a brief review of the Resolution and testified in support of the repeal of the ten Council policy resolutions that are generally duplicative and outdated.

Deputy Director Diane Kawauchi, Department of the Corporation Counsel (COR), requested that Resolution No. 92-011 not be repealed at this time and be removed from the Resolution. It is the intention of COR to submit an updated resolution for Council approval of compensation paid by the Board of Water Supply for legal services of COR in accordance with Charter Section 7-116.

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON MAY 7 2014

COMMITTEE REPORT NO. 100

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Your Committee amended the Resolution to a CD1 version that makes the following changes:

- A. Removes reference to Resolution 92-011; and
- B. Makes technical and nonsubstantive amendments for purposes of style and clarity.

Your Committee on Executive Matters and Legal Affairs is in accord with the intent and purpose of Resolution 14-65, as amended herein, and recommends its adoption in the form attached hereto as Resolution 14-65, CD1. (Ayes: Anderson, Chang, Harimoto, Kobayashi, Manahan, Martin, Pine, Menor - 8; Noes: None; Excused: Fukunaga - 1.)

Respectfully submitted,



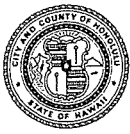
Committee Chair

14-65 CD1
5/7/14

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON MAY 7 2014

COMMITTEE REPORT NO. 100



RESOLUTION

RELATING TO THE REPEAL OF CERTAIN POLICY RESOLUTIONS OF THE CITY AND COUNTY OF HONOLULU.

WHEREAS, in April 2013, the Chair of the Honolulu City Council requested the City Administration to comment on recommendations to repeal certain Council policy resolutions that appeared to be no longer needed but remain in effect; and

WHEREAS, on January 17, 2014, the City's Managing Director responded with the Administration's concurrence to repeal the policy resolutions (2014 Mayor's Message MM-7); and

WHEREAS, Section 3-204.1 of the Revised Charter of the City and County of Honolulu 1973, as amended ("RCH") states, in part, that "[n]o resolution shall be amended, revised or repealed except by resolution"; and

WHEREAS, Section 3-204.2, RCH, states, in part, that "[a]ny ordinance or resolution may be repealed by reference to its number or section number"; and

WHEREAS, the Council has decided to repeal certain policy resolutions which are referenced in the following table, along with the justification for each resolution's repeal:

COUNCIL POLICY RESOLUTIONS TO BE REPEALED

NUMBER	TITLE OR SUBJECT	JUSTIFICATION
78-076	Equal Employment Opportunity Program.	The resolution seeks to adopt, implement, and maintain an Equal Employment Opportunity Affirmative Action Program (Program). It also requires the Managing Director to coordinate the City's affirmative action portion of the Program. For decades, the City's Department of Human Resources has administered an Equal Opportunity Program which targets the resolution's stated access and anti-discrimination goals. As such, the subject of Resolution 78-076 has been carried out.
83-382	Authorizing the Department of the Corporation Counsel to Represent the Family Court in any Contempt Proceedings for the Enforcement of any Child Support or Spouse Support Order.	This authorization is no longer necessary, as the Family Support Division of the Department of the Corporation Counsel has been transferred to the State Department of the Attorney General.



RESOLUTION

NUMBER	TITLE OR SUBJECT	JUSTIFICATION
87-235	Expressing Council Policy on the Renovation of the Winstedt House.	Resolution 87-235 set out the renovation checklist for the "Winstedt House" after the Council approved the requisite CIP monies. The "Winstedt House" project was subsequently completed. Furthermore, "Winstedt House" has been since renamed to "Paki Hale." As such, Resolution 87-235 has been acted upon and its function completed.
88-170, CD1	Establishing City Policy regarding the Development of Expanded Block J situated in downtown Honolulu.	"Block J," described in Resolution 88-170 as "...parcels of land bounded by Beretania, Kukui, Queen Emma, and Fort Streets..." has since been consolidated, developed, and occupied by a commercial business and residential condominium apartments. As such, the subject of Resolution 88-170 has been carried out.
89-512, FD1	Authorizing the Sale of H-POWER to Ford Motor Credit Company and approving related documents.	The City's sale of H-Power to the Ford Motor Credit Company occurred subsequent to the Council's approval of this authorizing resolution. Additionally, in 2008, the City bought back H-Power from the Ford Motor Credit Company. As such, Resolution 89-512 has been acted upon and its function completed.
91-057	Encouraging the Implementation of a Telework Program for City Employees at the Hawaii Telework Center.	The "Hawaii Telework Center" no longer exists and there are no known telework sites on Oahu. Additionally, Department of Human Resources has included teleworking policies in its Employee Handbook.
00-249 and 01-208, CD1, FD1	Selecting Bus Rapid Transit Systems as the City's Locally Preferred Alternative for Honolulu's Primary Corridor Rapid Transit Project.	Both resolutions are outdated and conflict with the City's current Locally Preferred Alternative ("LPA") for the fixed guideway system. Resolution 00-249 selected a bus rapid transit project, with a different system alignment as selected in Ordinance 07-01, to be the City's LPA. Resolution 01-208 modified the bus rapid transit LPA described in Resolution 00-249.
09-227, CD1	Establishing City Policy Relating to the Shipment of Solid Waste Out-of-State.	At least two of the termination criteria for the "open flow" period (i.e., the period during which private parties were authorized to ship solid waste out of state) established in the Resolution have occurred. Therefore, the open flow period has ended. These two criteria are: (1) the completion of a third boiler at the H-Power plant (which occurred in 2012); and (2) the expiration of a three-year period ending on August 26, 2012. As such, Resolution 09-227 has been acted upon and its function completed.

; and



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. 14-65, CD1

RESOLUTION

WHEREAS, the repeal of these policy resolutions is not intended to affect the validity of any action taken to date by the City pursuant to the resolutions now being repealed; and

WHEREAS, the Council finds that the repeal of these policy resolutions will remove outdated guidance; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that the following policy resolutions are hereby repealed: Resolutions 78-076; 83-382; 87-235; 88-170, CD1; 89-512, FD1; 91-057; 00-249; 01-208, CD1, FD1; 09-227, CD1; and

BE IT FINALLY RESOLVED that copies of this Resolution be sent to the Mayor, the Managing Director, and the Director of the Office of Council Services.

INTRODUCED BY:

Ernest Martin

DATE OF INTRODUCTION:

March 27, 2014
Honolulu, Hawaii

Councilmembers